

## Message Text

UNCLASSIFIED

PAGE 01 MUNICH 04059 121225Z

ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 DODE-00 NSAE-00 USIA-15

TRSE-00 ERDA-07 CIAE-00 COME-00 /043 W

-----017214 121340Z /44

R 121216Z DEC 77

FM AMCONSUL MUNICH

TO SECSTATE WASHDC 9516

INFO AMEMBASSY BONN

AMCONSUL AMSTERDAM

UNCLAS MUNICH 04059

E.O. 11652: NA

TAGS; ESTC, GW, NL

SUBJECT; TECHNITRON/INFODES HOLLAND B. V. SUIT

REF: (A) MUNICH A-76 (NOTAL); (B) STATE 289994

EXCON FOR COMMERCE

1. PER PARA THREE REFTTEL, OEA/CD'S APPRECIATION  
CONVEYED TO TECHNITRON. TECHNITRON IS CONTINUING  
TO SCREEN INCOMING ORDERS FOR SIMILAR PROBLEMS.

2. TECHNITRON HAS REQUESTED OUR ASSISTANCE IN  
DEFENDING THEMSELVES IN SUIT FILED BY INFODES  
HOLLAND B.V. EDO HAS ALREADY ANSWERED WRITTEN  
QUESTIONS PUT BY PRESIDING JUDGE CONCERNING EXPORT  
CONTROL IN GENERAL. QUESTIONS WERE INFORMAL, NOT  
IN FORM OF DEPOSITION, AND WERE ANSWERED INFORMALLY.

3. UNDER GERMAN LAW, THE UNITED STATES GOVERNMENT  
MAY ENTER THIS SUIT AS AN INTERESTED PARTY. U.S.  
DEPARTMENT OF JUSTICE CIVIL DIVISION ATTORNEY IN  
MUNICH ADVISES WE MAY ENTER SUIT IF DEPARTMENT OF  
JUSTICE APPROVES. SHOULD COMMERCE WISH TO DO SO,  
HE SUGGESTS OEA CONTACT MR. BRUNO RISTAU, DEPARTMENT  
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OF JUSTICE FOREIGN LITIGATION DIVISION, WASHINGTON,  
TELEPHONE 739-3308/3512.

4. POST FEELS OUR INVOLVEMENT THIS CASE WOULD PAY  
LARGE FUTURE DIVIDENDS IN ELECTRONIC  
COMMUNITY. WE WOULD BE ABLE TO SHOW THAT NOT ONLY  
DO WE PROTECT INTERESTS OF USG, BUT ALSO THAT WE

ARE WILLING AND ABLE TO ASSIST THOSE FIRMS WHO  
COOPERATE WITH US.

5. ACTION REQUESTED: POST REQUESTS THAT COMMERCE  
SEEK DEPARTMENT OF JUSTICE APPROVAL FOR OUR  
PARTICIPATION IN THIS SUIT. OUR PARTICIPATION  
WOULD BE OF "AMICUS CURIAE" TYPE, AND NOT AS EQUAL  
CO-DEFENDANT. NO RPT NO LIABILITY WOULD ATTACH  
TO U.S. GOVERNMENT AS RESULT OF OUR PARTICIPATION,  
EXCEPT FEES FOR OUR LAWYER.

6. WOULD APPRECIATE RESPONSE TO ACTION REQUEST  
BEFORE CHRISTMAS HOLIDAYS. NEXT COURT SESSION  
WILL BE DECEMBER 21, 1977. BETTS

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NNN

## Message Attributes

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**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXPORT CONTROLS  
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**Disposition Approved on Date:**  
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**Enclosure:** n/a  
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**Original Handling Restrictions:** n/a  
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**Reference:** 77 MUNICH A-76, 77 STATE 289994  
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**To:** STATE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
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22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009